



**STATE OF MAINE  
PUBLIC UTILITIES COMMISSION  
242 STATE STREET  
18 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0018**

**CONSENT AGENDA  
RAY HAMMOND  
JUNE 3, 2002**

THOMAS L. WELCH  
CHAIRMAN

WILLIAM M. NUGENT  
STEPHEN L. DIAMOND  
COMMISSIONERS

June 4, 2002

Scott Whitney, Compliance Officer  
Drinking Water Program  
Department of Human Services  
State House Station #10  
Augusta, ME 04333-0010

RE: DEPARTMENT OF HUMAN SERVICES  
Request for Consultation Regarding  
The Transport of Bulk Water  
(To Renew License of Wells Blueberry, Inc.)  
Docket No: 2002-273

Dear Mr. Whitney:

You requested, by memo dated February 28, 2002, Commission review of the Application of Wells Blueberry, Inc. (WBI) for authorization, pursuant to 22 M.R.S.A. § 2660-A (3), to transport water for commercial purposes. That statute requires that your office consult with the Public Utilities Commission (PUC), and other agencies, before authorizing commercial transport of water beyond the municipality in which it occurs naturally. This letter constitutes the PUC's assessment of whether the proposal by Wells Blueberry, Inc. would "constitute a threat to public health, safety, or welfare" in regard to its effect on any public utility. We conclude that the proposal will not constitute such a threat provided that your authorization is contingent upon the continued existence of an agreement between the Kennebunk, Kennebunkport and Wells Water District and Wells Blueberry, Inc., protecting the aquifer and compensating the District for water purchased as a result of WBI withdrawals.

We contacted the Kennebunk, Kennebunkport and Wells Water District to determine whether the proposed withdrawal of water from the area would have any adverse effect upon their sources of supply. The District has acknowledged that the proposed withdrawals are likely to have an adverse impact on the volume of water

available from its Branch Brook Source of Supply. The District has an agreement with WBI that requires WBI to reimburse the District for the purchase, if necessary, of water to replace that used by WBI. The water will be purchased from the Biddeford & Saco Water Company. The District believes that the agreement adequately protects the aquifer and the District's customers; however, the District stated that WBI does not report daily withdrawals to the District as required under the agreement. WBI has installed two additional wells, not yet in operation, without notifying the District. It appears that WBI needs to improve its communications with the District and compliance with the terms of their agreement

It is our opinion that authorization of water transport by WBI, as proposed, will not constitute a threat to public health, safety, or welfare at this time. We do recommend that the Department include a provision that will automatically revoke authorization if the agreement between WBI and the District is terminated or if WBI fails to abide by its terms.

Please do not hesitate to contact this office if you have questions regarding the public utility impact of the application of Wells Blueberry, Inc.

Sincerely,

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Dennis Keschl  
Administrative Director

cc: KKWWD (David Sweet)